

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

FILED

FEB 26 2019

BRAUNDSHANE HARRIS,
plaintiff.

CARMELITA REEDER SHINN, CLERK
U.S. DIST. COURT, WESTERN DIST. OKLA.
BY LB DEPUTY

v.

Case NO. CIV-19-185-R

SHERIFF CHRIS WEST, CAPTIAN DLERY (John Doe)
SHERIFF John Doe, KEN FULBRIGHT,
SID STELL, MRS THOMPSON (Jane Doe) Sued in
their official and individual capacities
L.T. THOMPSON and L+ LONBHDON (John Doe's)
Sued in their individual capacities,
Defendants.

COMPLAINT WITH JURY DEMAND
Introduction

This is a civil rights action filed by Brandon Harris a pre-trial detainee for damages and injunctive relief under 42 U.S.C. § 1983, alleging unsanitary and unsafe housing conditions, unjust treatment a form of cruel and unusual punishment, excessive bail and deprivation of liberty as a pre-trial

detainee in violation of due process of the 14th Amendment for hindering me from making bail with my bail amount set at \$200,000 for a year straight a form of punishment to wear you down and sign for time and make money off inmates being charged outrageous fees of up to \$40 a day to the jail, that's added to a fine that's used to put an inmate in terrible debt, a harsh punishment and money scheming way to treat a pre-trial detainee and the retaliating treatment endured as punishment transferring myself and others to Pottawatomie County Public Safety Center as a form of behavioral punishment knowing the treatment and the way they house their inmates is mentally and physically unbearable. This happened, and still going on at Canadian County Detention Center even under new staff, it's imbedded. This lawsuit might be able to be filed against the municipality of Canadian

County for this long-standing and deeply embedded force of law,
jurisdiction

1. The Court has jurisdiction over the plaintiff's claims of violation
of federal constitutional rights under 42 U.S.C. §§ 1331(1) and
1343.

2. The Court has supplemental jurisdiction over the plaintiff's
State law tort claims under 28 U.S.C. § 1367.
parties

3. The plaintiff, Brandon Harris, was in the custody of Canadian
County Detention Center and housed in both C.C.D.C. and Pott
county (Pottawatomie County Public Safety Center) during these
events described in this complaint.

4. Sheriff Chris West and Sheriff John Dee knew this type of
treatment and punishment was going on because of the long-standing
and deeply embedded customs of both county jails, and are sued in
their individual capacities and official capacities (also) Captain Dery.

5. Defendant Ken Fulbright was the Chairman and knew exactly how his facility was being run at that time and is sued in his individual capacity and official capacity. (pott co.)

6. Defendant Sid Stell was the executive director and knew exactly how his facility was being run at that time and is sued in his individual capacity and official capacity. (pott co.)

7. Defendant Mrs Thompson (Jail administrator) at pott county also knew of the treatment and unsafe housing conditions whom I wrote a grievance to after following the proper steps is sued in her individual capacity and official capacity.

8. Defendant Lt. Thompson is a correctional Lieutenant in (pott co.) charge of housing whom I also wrote about the living conditions and clothing is sued in his individual capacity.

9. Defendant Lt. Longhorn is a correctional Lieutenant at pott

county whom I also wrote about the housing asking to be transferred back to Canadian County where I caught the case but was denied is sued in his individual capacity.

10. All the defendants have acted under color of State law at all times relevant to this complaint.

Facts

11. On or about February 24th on a Saturday I was awoken by officers telling me to pack up. I was being transferred to a different county through the instructions of captain Dery who was responsible for transportation at Canadian County Jail.

12. All the inmates at Canadian County, the officers, and captain Dery including Sheriff Chris West knew that Pott County was the worst facility to be transported to because of the conditions and treatment by their staff and no inmate wanted to go there.

13. The plaintiff and other inmates arrived at Pott County around 10:00 a.m.

it felt very cold. Another group going back to Canadian county was telling us it was terrible there, and they were glad to be leaving.

14 The plaintiff and other inmates were booked in one at a time, given 1 big towel to shower with, no face towel, 1 jumpsuit, 1 underwear that was too big, small, or torn, a blanket torn, and a torn mat.

Right then the plaintiff felt the punishment endured by so many others that complained to Sheriff Chris West and Captain O'Leary about the treatment at Pott County under Sheriff John Doe, Ken Fulbright, Sid Stell, Mrs. Thompson (Jail administrator), Lt. Thompson, and Lt. Longhorn.

15 The plaintiff was placed in a freezing and very uncomfortable holding cell till 6 or 7 p.m. waiting to go to my pod.

16 I was assigned to K7 (the plaintiff). The plaintiff looked inside the pod. The plaintiff knew something was wrong when the

plaintiff literally seen inmates sleeping on the floor in the dayroom on boats and the plaintiff asked officer Burgess, "why they on the floor," and officer Burgess replied, "it's full."

17 The plaintiff walked upstairs to cell 7 not knowing there was a boat (sleeping cot) in the middle of the floor and was tripped by it hit my head on the floor and got a knot on my head I still have and migraines ever so often as a result from the fall. The plaintiff's cellmate Johnathan Bellymule is a witness. The cell was very crowded and very unsafe.

18 I told officer Burgess my cell was too small and crowded and told him about the fall and showed him my head, then officer Burgess moved me out to the dayroom with Darphus Murray another witness along with a few other inmates. The boats in the cells were placed right by the toilets where urine drops could hit you.

19 I wrote Lt Longhorn and asked him to move me back to Canadian County where I caught my charge cause I shouldn't have to be housed in those unsafe and unsanitary conditions, mold in the Showers, water leaking out of the shower into the dayroom on our food, overcrowding. Sleeping in a dayroom under the tier fearing for the plaintiff's safety everyday and night, being punished and told by officer Stone not to move away from my boat in the dayroom, confined there enduring mistreatment by the staff. Lt Longhorn called me off my boat in the dayroom and told me "it's nothing he could do Canadian County would have to request for me back. I instantly felt sick emotionally and mentally.

20 The plaintiff's clothing was even worse. I wrote Lt Thompson ~~about~~ about how we had to wear the same underwear and jumpsuit for a week which was very unsanitary. I worked out in the day

room which was very small to accomodate 35 inmates and sweated my jumpsuit and forgot they only washed for us once a week. The plaintiff had to endure the sweaty suit after the plaintiff showered without a face towel to fully clean myself feeling every bit of the punishment pott county as a whole could give you. The plaintiff wrote Lt Thompson about all of this and asked him why we couldn't buy socks, boxers, T shirts, face towels and other hygien material and he said "because the last group was cutting their clothes up" which didn't make a bit of sense, but thats exactly what he said and left out the part. All of this treatment was cruel and unusal punishment. It's bad when the plaintiff had to endure smelling men's bial's in their underwear because the facility staff was to lazy to wash clothes at least 3 times a week. I was always sick with a cold, head hurting, and

feeling punished.

21. The severe discomfort at Pott County endured when the temperature was so low and the plaintiff's feet were so cold the plaintiff had to wrap the plaintiff's feet inside the plaintiff's blanket and slide one foot at a time inside plaintiff's shower shoes with the blankets still wrapped around the plaintiff's feet to keep warm in the dayroom in A-pod and in the overcrowded cell in L-pod many days and nights for over 2½ months; was so uncomfortable I would just pray Canadian County would hurry up and come get me cause what the plaintiff was enduring was past punishment. The plaintiff endured "unquestioned" and serious deprivations of basic human needs and minimal civilized measures of basic human needs.

Denial of Due Process

22 The plaintiff is a detainee and cannot be punished at all regardless of whether its cruel and unusual.

23 The plaintiff endured oppressive conditions under the housing of Sheriff Chris West and the other defendants included in this lawsuit. The plaintiff having to sleep in the dayroom under the concrete tier fearing it would fall every night are aggravated factors in addition to sleeping on the floor in pott county in the dayroom period, a area not designed for housing which is unconstitutional and a clear failure to provide legitimate housing space.

24 These conditions and practices of pre-trial detention were unconstitutionally punitive and intended to punish the plaintiff and other inmates that caught a charge at Canadian county and transfered to pottawatomie county, when

canadian county wasn't over-crowded. \$200,000 bail

Under the confinement of Sheriff Chris West with one bail hearing after 10 months of confinement which was denied was arbitrary, purposless, and excessive.

Housing in dayrooms (unconstitutional at anytime), double celling is premitted for up to 30 days, and the use of floor mattresses are forbidden at anytime unless for a few days in an emergency, anything else is unconstitutional (boats).

Urinating by a man's head because of over-crowding is very unsanitary and unsafe, which I went through for over 30 days in pottawatomie county in cell 3 in L or K pod.

Claims for Relief

The defendants in this lawsuit: pott county sheriff (John Doe), Kenfulbright (chairman pott county), Sid Stell (executive director), Mrs Thompson (jail administrator) Lieutenant Thompson

Leitunant Longhorn, Sheriff Chris West (Canadian county) and captian Olery (Canadian county) all Knew of the over-crowding, unsafe conditions of confinement and cruel and unusal punishment but failed to prevent it during my time of confinement at Canadian and pottawatomie county.

The plaintiff endured very serious mistreatment not only physically but mentally and the plaintiff still has nightmares and fear from the treatment at pott county and some of it's staff still til this day. As a pre-trial detainee the plaintiff shouldn't have been punished at all. (Detainees cannot be punished at all regardless of weather it's cruel and unusal. The plaintiff's "Due Process" rights has been violated by these defendant's.

Relief requested

WHEREFORE, plaintiff request that the court grant the following relief:

A. Issue an injunction ordering Sheriff Chris West:

1. Immediately change the transportation policies to Pottawatomie County Public Safety Center used to punish inmates at Canadian County Detention Center.
2. Immediately change the bail statutes for all inmates with Trafficking and Aggravated Trafficking charges. Trafficking to \$10,000 to \$25,000 regardless if their from out of state and Aggravated Trafficking to \$25,000 to \$50,000 regardless if their from out of state and no bail doubling for any reason.

B. Issue an injunction ordering defendant Doe, Fulbright, Stell and Mrs. Thompson:

1. Immediately change the overcrowding, molded showers, Shower water leaking into the dayroom, sleeping in day rooms, sleeping on boats in the middle of cell floors, hateful treatment by

staff like officer Stone, the cold and freezing temperatures in all cells and dayrooms and the releasing of inmates to stop the overcrowding. Also wearing the same underwear and jumpsuits for a week policy which is very unsanitary and the restrictions to order thermals, T-shirts, socks, boxers, and other clothing and hygiene material all need to be changed.

C. Award compensatory damages in the following amounts:

1. \$150,000 jointly and severally against defendants West, Doe,

and Olerly for the physical and emotional injuries sustained

as a result of the transference to pott county due to a

Contract resulting in plaintiffs fall and the knot that

still remains on plaintiff's head and headaches. (to receive

Ibuprofen without having to fill out sick calls).

2. \$25,000 jointly and severally against defendants Fulbright, Stell, Mrs Thompson, Mr Thompson, and Longhorn for the punishment, of deprivation of liberty and emotional injury resulting from their denial of due process in connection with the punishment, unsafe and unsanitary housing conditions, and mistreatment resulting in plaintiff having continuous nightmares and fear.

D. Award punitive damages in the following amounts:

1. \$60,000 each against defendants West, Doe, Olerly for loss of liberty and unconstitutional conditions.

2. \$20,000 each against Fulbright, Stell, Mrs Thompson, Mr Thompson and Longhorn for being held over 45 days in non-housing area, overcrowding resulting in knot on plaintiff's head, and the punishment endured under their care.

February 12, 2019

Respectfully Submitted

Brandon Shane Harris

Canadian County Detention Center

304 N. Evans Ave.

El Reno, OK 73036

Brandon Shane Harris
Plaintiff's Signature

February 12, 2019
Date



Shanda Allen
2-13-19